

EXHIBIT E

Oracle-SAP Legal Fight Blackens 3rd Party's Eye; But Attention May Help; Suit vs. TomorrowNow hurts reputation of the third-party-support field Investor's Business Daily December 12, 2007 We



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HEADLINE: Oracle-SAP Legal Fight Blackens 3rd Party's Eye; But Attention May Help; Suit vs. TomorrowNow hurts reputation of the third-party-support field

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The downfall of TomorrowNow, which Oracle has sued for trade-secret theft, has cast a shadow over third-party firms that maintain business software.

Industry watchers say the attention drawn by the case could hurt the third-party-support business, which is designed to lower costs for corporate software users.

On the other hand, they also say the attention could help the sector by getting more users familiar with third-party support.

For sure, the lawsuit's outcome should help to clarify the rules that govern support of another vendor's software products, says Eric Goldman, director of the High Tech Law Center at Santa Clara University in California's Silicon Valley.

"Failure to abide by those rules can have life-altering consequences, such as seeking other forms of employment," said Goldman, referring to TomorrowNow co-founder Andrew Nelson.

Last month, SAP said Nelson and several other TomorrowNow managers were leaving the company. This came in the wake of the lawsuit filed by Oracle in March. Oracle's archrival, SAP, bought TomorrowNow in 2005. SAP executives now say the company might sell the unit, which maintains and otherwise supports Oracle's PeopleSoft, JD Edwards and Siebel wares.

Oracle says TomorrowNow used customer passwords to raid Oracle's library of software patches and updates. When the suit was filed, SAP Chief Executive Henning Kagermann said SAP would vigorously defend TomorrowNow. But SAP has not said that since.

The case has caused turmoil, but prospects for third-party support remain strong, says Ray Wang, a Forrester Research analyst. Third-party vendors can slash the cost of software maintenance in half, Wang says. He expects new players will emerge, perhaps from China.

"Vendors for too long have milked the maintenance revenue to juice quarterly profits at the expense of customers," Wang wrote in a blog.

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Software support revenue worldwide will be \$16 billion this year, estimates Seth Ravin, CEO of Rimini Street, a third-party firm. He sees sales doubling by 2010. Ravin is a former PeopleSoft manager who co-founded TomorrowNow.

Ravin left to launch Rimini Street shortly after SAP bought TomorrowNow. He says his new firm gets 30% margins on EBITDA (earnings before interest, taxes, depreciation and amortization) for software maintenance, while he says the big vendors can get 90%.

"Support is the most profitable part of the software business and a tremendous cash engine for the legacy software companies," Ravin said. "We can shave off their huge profits and still make a lot of money by giving customers great support."

SAP likely will kill off TomorrowNow in order to focus on its core mission of building software, says Goldman, the law professor. "I expect SAP to burn TomorrowNow by selling all those assets," he said.

Some analysts say Rimini Street might try to buy TomorrowNow. But Ravin says no. He says he can't hire new staff fast enough to meet the growing demand from his own clients, and doesn't see much value in making such an acquisition.

"Our opinion is that TomorrowNow is done," Ravin said.

Punita Pandey, founder and CEO of NetCustomer, agrees that demand for low-cost support is on the rise. Similar to TomorrowNow and Rimini Street, privately held NetCustomer maintains software from PeopleSoft, JD Edwards and Siebel.

San Jose, Calif.-based NetCustomer started in 2001 as an outsourcer that served maintenance customers on behalf of PeopleSoft. The firm has roots in India, where much of its work gets done.

Pandey theorizes that TomorrowNow got too sloppy in the way it managed security procedures. She says the whole third-party sector is paying the price.

"All of us are being painted with the same broad brush stroke right now," she said. "But by no means is individual third-party support wrong or illegal in any way."

U.S. District Court Judge Martin Jenkins has the trial set to start in February 2009, but some observers expect an out-of-court settlement.

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